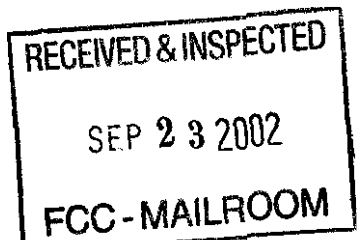


**FCC PROCEEDING: WT 02-100**  
**Cingular vs. Anne Arundel County**



**COMMENT OF HARFORD COUNTY IN SUPPORT**  
**OF ANNE ARUNDEL COUNTY**

Harford County, Maryland, by and through its undersigned attorneys, submits this comment in support of the position taken by Anne Arundel County in connection with the above referenced proceeding. Harford County, Maryland adopts and incorporates the comments and positions submitted by Anne Arundel County as if set forth fully herein, and states **further**:

1. In 1997, Anne Arundel County began experiencing "dead areas" in its public safety radio system attributable to the proliferation of cell towers used by wireless carriers such as Cingular. These "dead areas" prevent local police, firefighters, and paramedics from using their radios to communicate, and greatly jeopardize the lives and health of local citizens.

2. In a legitimate and necessary exercise of its police power, Anne Arundel County enacted an ordinance requiring cellular carriers to certify that their operations will not interfere with public safety radio communications. In the event of interference, the ordinance permits the County to revoke zoning certificates for the use of the facility, effectively requiring the facility to relocate.

3. Cingular Wireless challenges the ability of a local government to adopt this zoning regulation that prevents interference by wireless carriers with public safety radio systems.

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4. Harford County supports the position that Anne Arundel County or any properly constituted local government may legitimately exercise its power to adopt laws **that preserve** the safety and well being **of** its citizens. Local governments have the absolute unqualified authority over the “placement, construction and modification” of wireless facilities under Section 332(c)(7)(A) of the Telecommunications Act.

5. The ability of local public safety personnel to communicate effectively is essential not only to local health and safety, but to national security. In particular, Anne Arundel County contains several installations **vital** to national security, including Fort Meade, the National Security Administration, Baltimore-Washington International **Airport**, the United States Naval Academy, and defense contractor Northrop Grumman. Harford County is similarly situated in that Aberdeen Proving Ground is located within its borders.

6. A determination that local governments may not enact legislation to prevent interference would be devastating to both local health and safety and national security. Such a ruling would place the FCC in the untenable position of adjudicating massive quantities of local public safety radio interference disputes between local governments and wireless carriers every time a “dead area” arises. No single agency has the resources to resolve disputes that would otherwise be addressed by thousands of agencies, courts and jurisdictions across the United States. Moreover, any delay in addressing such issues vital to the health, security and safety of all citizens across the United States would have devastating and irreversible consequences.

WHEREFORE, Harford County, Maryland respectfully requests that the FCC uphold the legitimate exercise of powers by Anne Arundel County under federal, state **and** local law.

Respectfully Submitted,

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